

1 JOHN McBRIDE, ESQ., SBN 36458  
2 CHRISTOPHER E. PLATTEN, ESQ., SBN 111971  
3 MARK S. RENNER, ESQ., SBN 121008  
4 Wylie, McBride, Platten & Renner  
5 2125 Canoas Garden Avenue Suite 120  
6 San Jose, CA 95125  
7 Telephone: 408.979.2920  
8 Facsimile: 408.979.2934  
9 jmcbride@wmpirlaw.com  
10 cplatten@wmpirlaw.com

11 Attorneys for Plaintiffs and Cross-Defendants Robert Sapien,  
12 Mary Kathleen McCarthy, Than Ho, Randy Sekany,  
13 Ken Heredia, Teresa Harris, Jon Reger, Moses Serrano,  
14 John Mukhar, Dale Dapp, James Atkins, William Buffington  
15 and Kirk Pennington

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**IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF SANTA CLARA**

SAN JOSE POLICE OFFICERS' ASSOCIATION,  
Plaintiff,

vs.

CITY OF SAN JOSE AND BOARD OF  
ADMINISTRATION FOR THE POLICE AND FIRE  
DEPARTMENT RETIREMENT PLAN OF CITY OF  
SAN JOSE, and DOES 1-10 inclusive,

Defendants.

AND RELATED CROSS-COMPLAINT  
AND CONSOLIDATED ACTIONS.

Case No. 1-12-CV-225926  
(and Consolidated Actions 1-12-CV-  
225928, 1-12-CV-226570, 1-12-CV-  
226574, and 1-12-CV-227864)

**DECLARATION OF ROBERT  
COCILOVA IN OPPOSITION TO  
MOTION FOR SUMMARY  
ADJUDICATION**

Date: July 22, 2013

Time: 9:00 a.m.

Dept: 2

Judge: Hon. Patricia M. Lucas

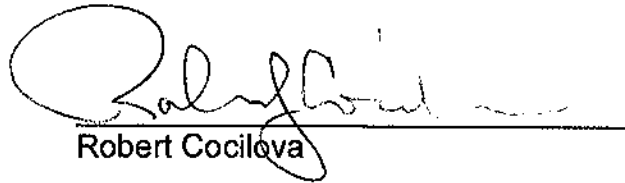
Trial Date: June 17, 2013

I, Robert Cocilova, say:

I was employed first as a firefighter and finally as a fire engineer by the City of San Jose Fire Department from 1968 through 1998. After I retired I became a member of the Association of Retired Police Officers and Firefighters and remains so today. From

1 1999 to approximately 2002, I was a member of the Board of that Association. As a board  
2 member, I was active in promoting and negotiating with Alex Gurza for a Supplemental  
3 Retirement Benefit Reserve benefit for retirees. The purpose of this benefit was to help  
4 older retirees at least in part keep up with inflation. During those negotiations which  
5 concluded with the passage of Ordinance 26536, approving the SRBR for members of the  
6 Police and Fire Department Retirement Plan, there were never any discussions with  
7 representatives of the City to the effect that payment of benefits under the SRBR were  
8 discretionary.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
10 April 30, 2013, at San Jose, California.

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14 Robert Cocilova

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**WYLIE, MCBRIDE,  
PLATTEN & RENNEN**

*A Law Corporation*

2125 CANTOAS GARDEN AVENUE, SUITE 120  
SAN JOSE, CALIFORNIA 95125

Linda M. Ross, Esq.  
Arthur A. Hartinger, Esq.  
Meyers, Nave, Riback, Silver & Wilson  
555 12<sup>th</sup> Street, Suite 1500  
Oakland, CA 94607

meyers | nave

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